

Application No. 09/910,738  
Response to Office Action

Customer No. 01933

**Amendments to the Drawings:**

Fig. 33 has been amended to be labeled as "Prior Art" as required by the Examiner.

Attachment:     Annotated Sheet Showing Changes  
                  Replacement Sheet

**R E M A R K S**

Reconsideration of this application, as amended, is respectfully requested.

**THE DRAWINGS**

Fig. 33 has been amended to add the label "Prior Art" as required by the Examiner.

Submitted herewith is a corrected sheet of formal drawing which incorporates the amendment and an annotated sheet showing the change.

No new matter has been added, and it is respectfully requested that the Examiner's objection to the drawings be withdrawn.

**THE CLAIMS**

Claims 1-21 have been canceled, without prejudice, and new claims 22-34 have been added.

New claim 22 has been prepared to recite the features of the present invention whereby the operation section comprises: (i) a dedicated shutter switch solely for causing the imaging section to pick up the observation image, (ii) a storage section for storing the picked up observation image, and (iii) a mode switching section for switching the imaging apparatus between an imaging mode in which the observation image is picked up and

displayed, and a reproducing mode in which the observation image stored in the storage section is reproduced and displayed; and to recite that the operation section is operable to manipulate the observation image displayed by the display section. See, for example, Fig. 32 and the disclosure in the specification at pages 55-57.

In addition, new claims 23-35 have been added to recite further features of the operation section of the present invention.

No new matter has been added, and it is respectfully requested that new claims 22-35 be approved and entered.

#### THE PRIOR ART REJECTION

Claims 1-21 were rejected under 35 USC 102 as being anticipated by USP 6,226,392 ("Bacus et al"). This rejection, however, is respectfully traversed with respect to claims 22-35 set forth hereinabove.

The Examiner asserts that computer 12 of Bacus et al corresponds to the operation section of the present invention.

It is respectfully submitted, however, that the operation section recited in new independent claim 22 does not correspond to a personal computer that controls a microscope. In particular, it is respectfully pointed out that according to the present invention as recited in new independent claim 22, the

operation section comprises: the operation section comprises:  
(i) a dedicated shutter switch solely for causing the imaging section to pick up the observation image, (ii) a storage section for storing the picked up observation image, and (iii) a mode switching section for switching the imaging apparatus between an imaging mode in which the observation image is picked up and displayed, and a reproducing mode in which the observation image stored in the storage section is reproduced and displayed.

That is, the operation section according to the claimed present invention is a dedicated imaging apparatus operation section that comprises a dedicated shutter switch that is solely operable to cause an image to be picked up.

By contrast, it is respectfully submitted that the computer of Bacus et al merely assigns the shutter function to a keyboard/computer key.


Therefore, it is respectfully submitted that Bacus et al does not at all disclose, teach or suggest the claimed structure of the imaging apparatus operation section of the present invention which includes a dedicated shutter switch, as according to the present invention recited in new independent claim 22.

Accordingly, it is respectfully submitted that new independent claim 22, as well as new claims 23-35 respectively depending therefrom, all patentably distinguish over Bacus et al, under 35 USC 102 as well as under 35 USC 103.

In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

  
Douglas Holtz  
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.  
767 Third Avenue - 25th Floor  
New York, New York 10017-2023  
Tel. No. (212) 319-4900  
Fax No. (212) 319-5101

DH:iv  
encs.

